

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Work Charged Establishment – E.P.No.3/2007 in I.D.No.155/1994 filed by Sri Shaik Shamsheer former NMR Typist, PR Division Kadapa – Writ petition filed in Honb’le High Court of A.P., Hyderabad – Dismissed - Permission for payment of back wages – Orders – Issued.

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PANCHAYAT RAJ AND RURAL DEVELOPMENT (ESTT.II.A) DEPARTMENT

G.O.Rt.No.
2008

Dated:03-09-

Read the
following:-

From the 1/c E.N.C.(PR) Hyderabad Ir.No.SO-1(2) /5362 /2007 ,
dated:05.07.08.

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ORDER:

The Engineer-in-Chief (PR), Hyderabad in the references 1st read above has informed that Sri Shaik Shamsheer, NMR Typist, who was engaged as NMR and terminated orally on 31.07.1987, and aggrieved by the oral termination, the individual has approached Industrial Tribunal-Cum-Labour Court, Anantapur and in ID No.155/94, the Industrial Tribunal cum Labour Court, Anantapur has passed an award dated:11.12.1996 directing the E.E., P.R., Kadapa to reinstate the petitioner with continuing of service without back wages and the Executive Engineer, PR, Kadapa has filed W.P.No.16582/97, and the Honb’le High Court in WP MP No.20102/97 has passed interim directions as follows: “the petitioner management shall deposit the arrears of Section 17-B Wages within 4 (fours) weeks and the petitioner management shall also continue to pay the Sec. 17-B wages with effect from 1st April 1999 regularly the pendency of the writ petition” and subsequently, the WP 16582/97 was dismissed on 1-9-2003 with the following observation:

It is not the case of the petitioner management that the workman was engaged under any statutory rules or is governed by any of the statutory rules. Admittedly the respondent was only an NMR employee. Under these circumstances, it cannot be said that he is not a workman within the meaning of Section 2 (s) of the I.D. Act. Thus, the order of the Labour Court does not warrant any interference to this Court and the writ petition is liable to be dismissed.

The Engineer-in-chief (PR) has informed that the Superintending Engineer, PR., Kadapa has now submitted proposals for according permission for implementing the award passed by the Labour Court, Anantapur in ID No.155/94, filed by Sri Shaik Shamsheer, Ex-NMR Typist as he has filed E.P. before the Labour Court for attachment of S.E. Car and E.E. Car, and that the E.E., P.R., Kadapa again addressed the Government Pleader for P.R. in A.P.

High Court for legal opinion who has adduced legal opinion stating that as the Department has not filed writ appeal against the orders passed in WP No.16582/97, dated:1-9-2003, the department has no other way except to reinstate Mr. Shaik Shamsheer as directed by the Labour

Court, Anantapur in ID No.155/94, dated:11.12.1996, and as the Industrial Tribunal cum Labour Court, Anantapur has passed orders in EP as follows:

“ If not paid attachment to the vehicles of S.E., PR and E.E., PR, Kadapa, the E.E. has filed counter on the E.P. and the above case stands posted on 07.09.2008 for making payment”, and the S.E., PR, Kadapa, while explaining the above position, has requested to accord permission to implement the award passed by the Labour Court, Anantapur in ID. No.155/94 as per the legal opinion given by the Govt.Pleader for PR, A.P. High Court, Hyderabad.

The Engineer-in-chief (PR) has further stated that as per the interim directions of High Court, the payment of wages were made upto 31.8.03 and the payment of wages are to be made until the disposal of W.P.16582/97, i.e. from 1.9.2003 to 31.8.2008, or otherwise as the case may be i.e. upto issue of orders by Govt. The wages from 1.9.2003 to 31.8.2003 comes to Rs.22,500/- @ Rs.375/- per month for (60) months.

Hence, the Engineer-in-chief (I/c) (PR), has requested the Government for according permission/sanction for payment of wages amounting to Rs.22,500/- (i.e. Rs.375x60 months from 1.9.2003 to 31.8.2008) and his reinstatement into service as per legal opinion of Govt. Pleader for P.R., High Court of A.P., to avoid impending legal consequences.

The Government after careful examination of the matter hereby accord permission to Engineer-in-chief (PR), Hyderabad, for payment of wages amounting to Rs.22,500/- (i.e.Rs.375X60 months from 1-9-2003 to 31-8-2008) and to reinstate Mr Shaik Shamsheer, Ex NMR Typist into service as directed by the Hon'ble Labour Court, Ananthapur in I.D.No.155/1994, dated:11.12.1996 and as per legal opinion of Govt. Pleader for P.R., High Court of A.P., subject to vouch the correctness of the amount worked out and taking action for the termination of his services, if not required, after following procedure I.D. Act.

This order issues with the concurrence of Finance (PC.III) Department, vide their U.O.No.25823/432/A1/PC.III/08, dated:11.09.2008.

To
The Engineer-in-chief(PR), Hyderabad.
The individual through ENC (PR), Hyderabad.
Copy to:
The Superintending Engineer (PR), Kadapa.
The P.S. to M (PR)
The Secretary to Government (PR), Department.
The Finance (PC.III) Department.
S.F/S.Cs.